

**REMARKS:**

**REMARKS REGARDING SPECIFICATION AMENDMENTS:**

The above noted amendments to the specification have been made so as to correct typographical and other readily apparent errors encountered during a review of the specification. Specifically, the term "otation" in line 2 of paragraph 18 has been changed to be "rotation" thus correcting a typographical error. In addition, the reference number "31" in line 4 of paragraph 35 with reference to the second guide slot for the arms of the force sensing mechanism shown in Figure 10 has been changed to correctly refer to reference number "41" as actually shown. Applicant submits that no new matter is introduced by the proposed amendments to the specification. Support for the above amendments to the specification can be found in the original specification and drawings as filed

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**REMARKS REGARDING CLAIMS AMENDMENTS:**

The above noted amendments to the claims have been made so that the scope and language of the claims is more precise and clear in defining what the Applicant considers to be the invention.

The amendments to claim 3 are in response to the Examiner's objection and rejection regarding formal aspects of the claim language. In particular, the pronouns "its", and "them" have been replaced with the proper and corresponding noun to which the pronoun referred.

The amendments to claim 4 are in response to the Examiner's objection and rejection regarding formal aspects of the claim language. In particular, the pronouns "its", and "them" have been replaced with the proper and corresponding noun to which the pronoun referred. Also the term "arid" in line 11 has been replaced with "and" to correct a typographical error. Finally, the phrase "the force sensing mechanism" in line 2 has been replaced with "a force sensing mechanism" so as to provide proper antecedent basis.

The amendment to claim 5 has been made in response to the Examiner's rejection regarding formal aspects of the claim language. In particular, the phrase "the housing's translational motion" has been replaced with "the housing is capable of translational motion

relative to the housing holder and the translation motion” so as to provide proper antecedent basis.

The amendments to claims 11-14 have been made to reflect the cancellation of the claim from which these claims previously had depended.

Finally, the amendment to claim 15 has been made in response to the Examiner’s rejection regarding the formal aspects of the claim language. In particular the dependency of the claim has been changed so that antecedent basis is provided for the phrase “said force sensing mechanism”.

Applicant submits that the above amendments are not intended to narrow the scope of the protection that is sought.

Support for the above amendments to the claims can be found in the original specification and claims as filed. The claims and amended claims are submitted as being clearly distinct and patentable over the art of record and therefore their entry and allowance by the Examiner is requested.

**IN RESPONSE TO THE OFFICE ACTION:****CLAIM OBJECTIONS:**

Claims 4 and 7 were objected to because of informalities in the claim language. In view of the above amendments, Applicant submits that the basis for the objection is obviated. Thus reconsideration and withdrawal of the objection to claims 4 and 7 is requested.

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**FIRST REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH:**

Claims 3-6 and 15 were rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite and failing to particularly point out the Applicant's invention.

In response, claims 3, 4, 5 and 15 have been amended so as to the specific concerns indicated by the Examiner in the Office Action. Applicant submits that the above amendments obviate the rejection of the claims under 35 U.S.C. §112, second paragraph and thus ask that the Examiner reconsider and withdraw the rejection of the claims and indicate their allowance in the next paper from the Office.

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**FIRST REJECTION UNDER 35 U.S.C. § 102:**

Claims 1-3 have been rejected under 35 U.S.C. §102 as allegedly being anticipated by U.S. Patent No. 4,854,187 issued to John E. Walters (the Walters reference). In response, Applicant requests that the Examiner reconsider and withdraw the rejection in view of the following:

For there to be anticipation under 35 U.S.C. §102, "each and every element" of the claimed invention must be found either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) and references cited therein. See also *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 1571, 230 USPQ 81, 84 (Fed. Cir. 1986) ("absence from the reference of any claimed element negates anticipation."); *In re Schreiber*, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997). As pointed out by the court, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). An anticipating reference must

describe the patented subject matter with sufficient clarity and detail to establish that the subject matter existed and that its existence was recognized by persons of ordinary skill in the field of the invention. *ATD Crop. V. Lydall, Inc.*, 159 F.3d 534, 545, 48 USPQ 2d 1321, 1328 (Fed. Cir. 1998). See also *In re Spada*, 911 F.2d 705, 708, 15 USPQ 2d 1655, 1657 (Fed. Cir. 1990).

The Walters reference relates to a self-adjusting hand brake assembly in which a carriage 14 is mounted for translational movement along a rack member 10 secured to a vehicle. An anchor member 18 is mounted on the carriage 14 for sliding movement relative of the carriage 14 and the rack member 10. Such motion is represented by arrow A. The anchor member is designed so that the carriage is locked in a position relative to the rack member. Further, a tension spring 36 acts on the carriage to urge the carriage in the direction indicated by the arrow A. The strength of the spring is selected such that the load applied to the anchor mechanism is insufficient to apply the brakes, but sufficient to automatically take up any slack in the linkage. (see Col. 4, lines 15-25).

In contrast, the present invention is directed to an arrangement for use in connection with a parking brake for a vehicle. The arrangement includes a lever coupled to at least one force transmitting wire in a brake system. The lever is arranged so that upon application of the parking brake by the vehicle operator, the arrangement operates in two steps to achieve the final intended brake power. In a first step, the lever is arranged to make a translational movement for taking up wire slack in the brake system. In a second step, the lever is arranged to rotate, so that force transmission to the wire takes place at a higher ratio than during the first step and thus the final intended brake power is achieved.

Applicant submits that as is positively recited in claim 1, the first of the two steps is initiated "upon application of the lever". One of skill in the art would appreciate and understand that in the Walters reference, this translational motion is carried out by the urging of the tension spring 36. Nowhere in the Walters reference is there any teaching or suggestion that the translational motion occur as a first step in application of the parking brake as is positively recited in claim 1. Further, it will be appreciated that the motion of the Walters reference is unidirectional as a result of the cooperative effect of the tension spring 36 and the anchor member 18 which is mounted on the carriage 14 for sliding movement relative of the carriage 14

and the rack member 10. Thus, translational movement of the Walters reference occurs without any application of the lever. Nowhere in the Walters reference is there any teaching or suggestion that the translational motion occur as a first step in application of the parking brake as is positively recited in claim 1. Thus, Applicants submit that the Walters reference fails to teach each and every limitation of independent claim 1.

Further to the extent that claims 2-6 are dependent upon claim 1, under the provisions of 35 U.S.C. §112, 4<sup>th</sup> paragraph, all of the limitations of claim 1 are expressly and inherently recited in claims 2-6. Applicant submits that the above arguments are equally applicable to the rejection of claim 2-6 and therefore nothing in the Walters reference teaches or suggests the subject matter of claims 2-6.

In view of the above, Applicant requests the reconsideration and withdrawal of the rejection of claims 1-3 under 35 U.S.C. §102 and ask that the Examiner indicate the allowance of these claims in the next paper from the Office.

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SECOND REJECTION UNDER 35 U.S.C. § 102:

Claims 7-15 have been rejected under 35 U.S.C. §102 as allegedly being anticipated by U.S. Patent No. 4,854,187 issued to John E. Walters (the Walters reference).

Applicant requests that the Examiner reconsider and withdraw the above rejection of the claims in view of the following:

The applicable case law for a rejection under 35 U.S.C. §102 has been discussed above in the response to the first rejection under 35 U.S.C. §102. In the interests of brevity, Applicant requests the Examiner to note the above sections and consider that material incorporated herein by reference.

The Walters reference relates to a self-adjusting hand brake assembly in which a carriage 14 is mounted for translational movement along a rack member 10 secured to a vehicle. An anchor member 18 is mounted on the carriage 14 for sliding movement relative of the carriage 14 and the rack member 10. Such motion is represented by arrow A. The anchor member is designed so that the carriage is locked in a position relative to the rack member. Further a tension spring 36 acts on the carriage to urge the carriage in the direction indicated by the arrow

A. The strength of the spring is selected such that the load applied to the anchor mechanism is insufficient to apply the brakes, but sufficient to automatically take up any slack in the linkage. (see Col. 4, lines 15-25).

In contrast, the present invention is directed to an arrangement for use in connection with a parking brake for a vehicle. As is positively recited in independent claim 7, the subject matter claimed is an arrangement for a two-stage parking brake, including a lever mechanism connected to a brake wire. The lever mechanism is configured to perform a first stage of operation in which slack is removed from the brake wire by the translational movement of the lever mechanism upon activation of the parking brake. The lever mechanism is also configured to perform a second stage in which a braking force is exerted on the brake wire by the rotational movement of the lever mechanism upon activation of the parking brake.

Applicant submits that as is positively recited in claim 7, the first of the two steps involves the translational motion of the lever mechanism “upon application of the parking brake.” One of skill in the art would appreciate and understand that in the Walters reference, this translational motion is carried out by the urging of the tension spring 36. Further, it will be appreciated that the motion of the Walters reference is unidirectional as a result of the cooperative effect of the tension spring 36 and the anchor member 18 which is mounted on the carriage 14 for sliding movement relative of the carriage 14 and the rack member 10. Thus, translational movement of the Walters reference occurs without any application of the lever. Nowhere in the Walters reference is there any teaching or suggestion that the translational motion occur as a first step in application of the parking brake as is positively recited in claim 7. Thus, Applicants submit that the Walters reference fails to teach each and every limitation of independent claim 1.

Applicant submits to the extent that claims 11-15 are dependent upon claim 7, under the provisions of 35 U.S.C. §112, 4<sup>th</sup> paragraph, all of the limitations of claim 7 are expressly and inherently recited in claims 11-15. Applicant submits that the above arguments are equally applicable to the rejection of claim 11-15 and therefore nothing in the Walters reference teaches or suggests the subject matter of claims 11-15.

Given the above, Applicant requests that the rejection of claims 7-15 under 35 U.S.C. §102 be reconsidered and withdrawn and that the Examiner indicate the allowance of the claims in the next paper from the Office.

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REMARKS REGARDING THE PATENTABILITY OF NEW CLAIMS 16 AND 17:

Claims 16 and 17 have been added to the application to further clearly and concisely recite the invention. Specifically, new independent claim 16 positively recites a parking brake for a vehicle comprising: a housing holder configured with at least one guide slot and a lever having a rotation axle. The lever is slidably and rotationally coupled to the guide slot as well as being coupled to at least one force transmitting wire in a brake system. The lever is arranged so that upon application, the parking brake operates in two steps to achieve a final intended brake power. In a first step, the lever and rotation axle are arranged to make a translational movement relative to the housing holder for taking up wire slack in the brake system. In a second step, the lever is arranged to rotate about the rotation axle, such that the force applied to the wire takes place at a higher ratio than during the first step so as to achieve the final intended brake power.

Applicants submit that nowhere in the art of record is there any teaching or suggestion for the claimed invention. For instance, in the reference applied by the Examiner in the Office Action, (i.e. the Walters reference) nowhere is there any teaching or suggestion that a translational motion occur as a first step in application of the parking brake as is positively recited in the claim. Thus, Applicants submit that independent claim 16 is patentable over the art of record.

With regard to new dependent claim 17, Applicant includes further limitations that the housing holder has two opposing side walls with each side wall having at least one guide slot. As is positively recited, the rotation axle of the lever is configured to translationally slide within the guide slot in the first step. Further, the lever is configured to rotate about the rotation axle relative to the guide slot in the second step so as to achieve the final intended brake power.

Applicants submit that nowhere in the art of record is there any teaching or suggestion for the claimed invention. For instance in the reference applied by the Examiner in the Office Action, (i.e. the Walters reference) nowhere is there any teaching or suggestion for the subject



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Atty. Ref.: 07574.0083.PCUS00

matter positively recited in the claim. Thus Applicants submit that independent claim 16 is patentable over the art of record.

Applicant also submits that to the extent that claim 17 is dependent upon claim 16, under the provisions of 35 U.S.C. §112, 4<sup>th</sup> paragraph, all of the limitations of claim 16 are expressly and inherently recited in claim 17. Applicant submits that the above arguments are equally applicable to claim 17 and therefore nothing in art of record teaches or suggests the subject matter of claim 17.

Given the above, Applicant requests that the Examiner indicate the allowance of claims 16 and 17 in the next paper from the Office.

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Serial No.: 09/816,867

Confirmation No.: 6067

Applicant: SUNDQVIST, Fredrik

Atty. Ref.: 07574.0083.PCUS00

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 08-3038, referencing Order No. 07574.0083.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tracy W. Druce". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Tracy W. Druce

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